

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

BACKWARD CLASSES WELFARE DEPARTMENT – Appeal Petition filed by Smt. Kattupalli Jayamma, W/o Samson, Allamudi(V), Bhattiprolu(Mandal), Guntur district under Rule 11 of the AP SCs, STs & BCs Issue of the community, Nativity & Date of Birth Certificate Rules, 1977 against the Proceedings Rc.No.372/07-C4, Dt.3-5-2008. of the Collector and District Magistrate,, Guntur – Rejected – Orders – Issued.

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BACKWARD CLASSES WELFRARE (C1) DEPARTMENT

G.O.Rt.No. 52

Dated:12 -2-2009

Read the following:

- 1) From the Collector & District Magistrate,, Guntur District, Proceedings .No.372/07-C4, Dt.3-5-2008.
- 2) From Smt. kattupalli Jayamma, W/o Samson, Allamudi(V), Bhattiprolu(Mandal), Guntur district , Appeal Petition Dt.2-6-2008
- 3) Govt.Memo.No.2526/C1/2008, dated. 25-6--2008.
- 4) From the Collector & District Magistrate,, Guntur District, Rc.No.1259/2008-C4, dt.16-7-2008.
- 5) Govt.Memo.No.2526/C1/2008, dated 24-11-2008, 6-12-2008, 12-12-2008, 1-1-2009.

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ORDER:

The Collector & District Magistrate, Guntur District in his Proceedings 1<sup>st</sup> read above, has cancelled the B.C. Certificate issued by the Mandal Revenue Officer, Bhattiprolu , in favour of Smt.Kattupalli Jayamma, W/o Samson, Allamudi(V), Bhattiprolu(Mandal), Guntur District .

2. Aggrieved by the orders of the District Collector, Guntur, in the proceedings 1<sup>st</sup> read above, Smt. Kattupalli Jayamma, W/o Samson, Allamudi(V), Bhattiprolu(Mandal), Guntur District in the reference 2<sup>nd</sup> read above, has filed an Appeal petition before the Government on 2-6-2008 under Rule 11 of the AP SCs, STs & BCs Issue of the community, Nativity & date of Birth Certificate Rules, 1977, and requested to suspend the orders passed by the District Collector, Guntur District , pending disposal of the Appeal Petition and pass such other suitable order or orders in the circumstances of the case.

3. The Appeal Petition filed by Smt.k.Jayamma in the reference 2<sup>nd</sup> read above was taken on file on 16-6-2008 and called for the records in the reference 3<sup>rd</sup> read above.

4. The brief facts of the case are that a complaint was filed by Sri Dr. John Daniel Rebba, Member, 20<sup>th</sup> Ward, Repalle, Guntur District with an objection petition before the District Collector requesting for enquiry into the caste status of Smt. Kattupalli Jayamma, and to cancel the BC certificate issued to her, as Smt. Kattupalli Jayamma, belongs to Hindu-Mala caste(SC) and her son Kattupalli Vijayaraju hatched a plan to field her in the ensuing Gram Panchayat Elections as Sarpanch candidate to his mother and got Christian Mala (BC-C) certificate from the Mandal Revenue Officer, Bhattiprolu. The petitioner requested for conducting enquiry into the matter and take action for cancellation of BC certificate issued to Smt. Kattupalli Jayamma, as per rules.

5. On receipt of the above complaint , the Collector & District Magistrate, Guntur had requested the Revenue Divisional Officer, Tenali and the Mandal Revenue Officer, Bhattiprolu for re-verification and to offer their remarks.

6. The Revenue Divisional Officer, Tenali in his Rc.No.1560/2006/D, dt.19.2.2007 has reported that after enquiring the petitioner, John Daniel, the Sarpanch, Smt. K. Jayamma, her son K. Vijayaraju and after verifying the record of the Mandal Revenue Officer, Bhattiprolu and Repalle, it was found that Smt. K. Jayamma, has obtained B.C. Certificate before the elections. As per their own statement baptism was performed during July 2005 solemnized by her

son before the elections, indicates some motive behind obtaining certificate. In the above circumstances, the Revenue Divisional Officer, Tenali recommended that the matter may be kept before the District Level Scrutiny Committee to cancel BC certificate issued by the Revenue Divisional Officer, Bhattiprolu.

The matter was referred to the Tahsildars, Kollur, Repalle and Bhattiprolu to submit their reports in the matter. The Tahsildar, Kollur, has reported in Rc.No.258/2007-B, dt. 7.8.2007 that Smt. K. Jayamma, D/o Raghavulu, resident of Juvvalapalem Village of Kollur Mandel, has married Samson, resident of Allamudi Villagae of Bhattiprolu Mandal 30 years back. After her marriage she is living with her husband at Allamudi village. Her parents are Kancherla Raghavulu and Rathnamma and they have 3 male and one female children by name 1) Kancherla Krepanandam aged 50 years 2) Kancherla Jayamma aged 45 years 3) Kancherla Venkata Subbaiah @ Rattaiah aged 50 years 4) Kancherla Israel aged 40 years. The father of K. Jayamma died on 22.9.2000. The mother and brother of Jayamma are residents of Juvvalapalem Village. They belong to Mala caste. At the time of enquiry on 7.8.07, neither the mother nor the brothers of K. Jayamma were available. One Smt K. Jayamma, W/o K. Krupanadam, the wife of the elder brother of K. Jayamma was available and she stated that their family are following Customs of Christianity and attending prayers at church on every Wednesday, Saturday and Sundays, and when verified the Gram Panchayat voters list of Juvvalapalm villagae of 2006, it was mentioned that K. Israel, K. kamalamma, K. Venkata Subbaiah , K. Sarojini, K. Jayamma were mentioned as SCs. The Tahsildar found the photos of Jesus Christ in the houses of Kancherla Venkata Subbaiah, the other sons and daughters of K. Raghavulu and Ratthamma are following Christian customs.

8. The Tahsildar, Bhattiprolu has submitted a report that Smt. Kattupalli Jayamma has applied for issue of caste certificate requesting to treat her as Christian Mala which comes under BC-C category on 8-7-2006 . During the enquiry, the residents and the members of the Christian Community have stated that Smt. Kattupalli Jayamma W/o Samson are originally belongs to "Hindu – Mala" caste. Later she converted to Christianity religion by taking Baptism on 5.7.2005. She followed the customs of Christianity and attending Church for prayers and the local people expressed that they have no objection to treat Smt. Kattupalli Jayamma as Christian Mala .The Tahsildar, Bhattiprolu further reported that they verified the records of Baptism of Jesus blessing ministry, Repalle and found the name of Smt. K. Jayamma registered as member of Christian against serial number 354 of the register and also enquired the pastor , who gave Baptism, to Smt. K.Jayamma. The Tahsildar finally reported that after enquiry, he was satisfied that Smt. K. Jayamma belongs to Christian though she was born as SC-Mala as she was baptized and following Christinity and the local people of Allamudi Village also confirmed the version, so he issued a caste certificate to her as Christian (BC-C).

9. The District Level Scrutiny Committee met on 2.10.2007 at 11.00 PM in the chambers of the Joint Collector, Guntur and the matter relating to the claim of Smt .K. Jayamma was discussed by the members and it was decided that , as per recorded evidence, the individual belongs to SC, as the caste of Smt K. Jayamma and her family members was mentioned as SC Mala everywhere in records except that she obtained BC - C certificate from the Tahsildar, Bhattiprolu. It was clear that she obtained BC - C certificate only for the purpose of contesting to the post of Sarpanch post reserved for BCs in the Panchayat elections of Allamudi Village of Bhattiprolu Mandal .Hence the BC caste certificate issued by the Mandal Revenue Officer, Bhattiprolu has been recommended for cancellation.

10. The Petitioner in her Appeal Petition dt.2-6-2008 has submitted the following grounds viz.:-

i) The Order passed by the Collector & Dist.Magistrate,Guntur impugned in this appeal is against the Principles of Natural Justice as the Appellant was not provided with the report of the 2<sup>nd</sup> Respondent nor findings of the District Level Scrutiny Committee. It is held by the Hon'ble High Court of AP in various Judgements that the order passed by the District Collector without supplying the copies of the reports or findings of the Committee would amount to violation of the principles of natural Justice and the same is not valid and is liable to be set aside. Though the appellant has raised the said objection in the explanation dated 6.12.2007. No such copies were supplied and the Collector & Dist.Magistrate,Guntur passed the order which is not valid and is liable to be set aside. The order of the Collector & Dist.Magistrate,Guntur is liable to be set aside on this ground alone.

ii) The Collector & Dist.Magistrate,Guntur has failed to take note of important point that the Appellant has taken Baptism on 5.7.2005 which is long prior to the election notification and also applied for the Certificate. The findings of the Collector & Dist.Magistrate,Guntur that the appellant has taken Baptism only for the purpose of obtaining the B.C Certificate is highly imaginary and improbable and unilateral.

iii)The Collector & Dist.Magistrate,Guntur has ignored the important point that all the children of the Appellant were married in Church and their marriages were performed as per the Christian rituals and copies of the photos produced would reveal the same.

iv) The Collector & District. Magistrate, Guntur has failed to appreciate the documentary evidence which disclosed that the son of the Appellant Mr K. Vijay Raj has undergone training programme and a Certificate in Biblical Studies was also issued to him as early as March 1997 itself and he has been discharging the duties as Pastor in Jesus Blessing Ministry, Netaji Nagar, Repalle and that he has been professing Christianity and the Appellant has taken Baptism on 5.7.2005 from him.

v) The Collector & Dist.Magistrate, Guntur has ignored the statements made by the Thasildar that he has found photos Jesus Christ in the houses of Appellant etc. The sons and daughters of K. Raghavulu and Rathamma are following Christian Customs and on his personal enquiry, he has found that the residents and members of Christianity Community have stated that Smt. Kattupalli Jayamma wife of Samson originally belongs to Hindu – Mala caste, later she converted into Christianity religion by taking Baptism on 5.7.2005, she followed the customs of Christianity and attending church for prayers and local people expressed that they have no objection to treat Smt. Kattrpalli Jayamma as Christian Mala.

vi) The finding of the Collector & Dist.Magistrate,Guntur that it is assumed that the appellant has obtained BC-C certificate only for the purpose of contesting to the post of Sarpanch post reserved for the BCs in the Panchayat Elections of Allamudi Village of Battiprolu Mandal, is highly imaginary and against to the fundamental rights to the Citizens guaranteed under the Constitution under the caption Freedom of Religion.

vii) The order of the Collector & Dist.Magistrate, Guntur is unilateral, based on imaginary presumptions and against to the documentary evidence. The Collector & Dist.Magistrate,Guntur has ignored the certificates of taking Baptism and also the marriage certificate of her children and also the certificate of her son etc. The Collector & Dist.Magistrate,Guntur has failed to take note of the important aspect that though the Appellant was born in Hindu-Mala Community, her contention is that she has never used the benefit to Baptism of SC at any point to time and further from 5.7.2005 she converted to Baptism. She will not come under the SC Category and she belongs to BC-C community. The assumption of the Collector & Dist.Magistrate, Guntur is highly imaginary and without supported by any piece of evidence. Even for the sake of argument, no person coming under the category of SC community will tend to loose such category and prefer to obtain BC Certificate that to contesting an election for the post of Sarpanch of a panchayat which is against to the normal prudence of any human being, as the benefits to the SC Community are more then the benefits granted to the BC Communities.

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11. Therefore she prayed that the Hon'ble Authority may be pleased to set aside the Order & notification on the file of the District Collector, Guntur No.372/07-C4,Dt.3-5-2008 , in the interests of justice, and pass such other or further orders as are deemed fit and proper in the circumstances of the case.

12.. The Appeal Petitioner viz., Smt.K.Jayamma has been requested to attend the hearing on 27-11-2008,10-12-2008,29-12-2008 before the Government in person or through her Counsel through the Govt Memo 5<sup>th</sup> read above which has been sent to the Appealant through the Collector, Guntur District through speed post. and the case has been heard on 20-1-2009 before the Government.

13) The Government, after careful examination of the records, and also the averments made by the Appeal Petitioner before the Government on 20-1-2009 is of the opinion that Smt.kattupalli Jayamma,W/o Samson, Allamudi(V), Bhattiprolu(Mandal), Guntur district belongs to Mala, a scheduled caste and obtained "Christian Mala", BC-C Caste Certificate from Mandal Revenue Officer , Bhattiprolu fraudulently. It has been decided that the proceeding No. 372/07-C4,Dt.3-5-2008.. issued by the District Collector, Guntur holds good.

14. Accordingly, the Appeal Petition filed by Smt.kattupalli Jayamma,W/o Samson,Allamudi(V),Bhattiprolu(Mandal),Guntur district in the reference 2<sup>nd</sup> read above is hereby rejected.

15. The original records containing CF pages from 1-151 received through the reference 4<sup>th</sup> read above are returned here with to the District Collector, Guntur District and the receipt of the same may be acknowledged.

( BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

T.SATYANARAYANA RAO  
SECRETARY TO GOVERNMENT

To:

- 1.Smt.Kattupalli Jayamma,W/o Samson, Allamudi(V), Bhattiprolu(Mandal),  
Guntur district
  - 2.Dr.John Daniel Rebba,Member,20<sup>th</sup> Ward,Repalle,Guntur,District-522265
  3. The Collector& District Magistrate,Guntur
  4. The Director, B.C.Welfare, Hyderabad.
  5. The P.S. to M (BCW)
- SF/SC

//FORWARDED BY ORDER//

SECTION OFFICER